



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
William D. Morgan et al.

Serial No.: 10/003,037

Filed: November 2, 2001

For: COVERING SYSTEMS AND VENTING  
METHODS

Group Art Unit: 1723

Examiner: Krishnan S. Menon

Atty. Dkt. No.: IAEC:006US/MTG

**SECOND DECLARATION OF MICHAEL A. MORGAN**

I, Michael A. Morgan, declare as follows:

1. I am an inventor of the above-referenced patent application.
2. I am a founder and principle owner of Industrial & Environmental Concepts (IEC), and have been for 14 years. One of my main responsibilities during this period has been the design, from concept to installation, of floating covers systems for water treatment lagoons and tanks. Prior to founding IEC, I was employed with a geomembrane manufacturer. In total, I have 15 years of experience designing and building cover systems for wastewater-filled ponds. I received a BS in Civil & Environmental Engineering from the University of Wisconsin in 1989.
3. Reference C2 identified in the Information Disclosure Statement (IDS) filed on February 4, 2004 was available to the public more than one year prior to October 5, 2001.
4. The cover system shown in reference C4 identified in the IDS is only a partial representation of the full cover system. The full cover system of C4 is similar to the cover systems disclosed in the Gerber patent (U.S. Patent No. 4,503,988). It included a gas collection system for siphoning off gas that was collected under the cover. As a result, the C4 cover system was under negative pressure. If openings were formed in the C4 cover, that negative pressure

would be jeopardized, and the gas collection system could be rendered less effective or ineffective.

5. The perimeter of the C4 cover system was anchored around its perimeter so that gas would not escape around its outer edge.

6. The C4 cover system was used in public in the United States more than one year prior to October 5, 2001.

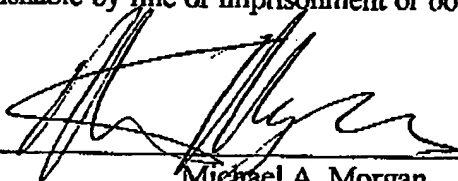
7. I have read and understand the Wilson patent (U.S. Patent No. 4,438,863). I also understand that the Patent Office is asserting that one of ordinary skill in this art would be motivated, in light of C2, to provide openings in Wilson's cover "because it would help drain the rain water collected down in to the pond and also work as a gas vent." I disagree with this assessment.

8. Wilson concerns a cover system for dirty water such as industrial sludge, food wastes, and the like. The cover system is designed to be gas tight inside of the perimeter sump where rainwater collects and is siphoned off. People of ordinary skill who deal with gas collection from dirty water systems (like Wilson) try to avoid increasing the volume of the dirty water. Thus, they would not want to provide openings in Wilson's cover through which rainwater could potentially drain into the dirty water pond.

9. Furthermore, they would not want to provide openings in the portion of Wilson's cover that is bounded by the rainwater sump. That portion of the cover is airtight and designed for gas collection, not gas release. Thus, people of ordinary skill in this art would not have any reason to create openings in that portion of Wilson's cover because doing so goes against Wilson's purpose.

10. All statements made of my own knowledge are true and all statements made on information are believed to be true, and statements in this document were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code.

3/22/05  
Date

  
Michael A. Morgan